

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK LEE SMITH,

Plaintiff,

v.
CASE NO. 2:18-CV-10736
HONORABLE VICTORIA A.. ROBERTS

JUDGE PRENTIS EDWARDS JR.,
HEIDI WASHINGTON, and
14,000 MDOC EMPLOYEES,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO FILE AN
AMENDED/NEW COMPLAINT AND TO REOPEN THE CASE**

This is a pro se civil rights case brought pursuant to 42 U.S.C. § 1983. In his Amended Complaint, Michigan prisoner Derrick Lee Smith (“Plaintiff”) challenged his state criminal proceedings (“criminal case claims”) and challenged certain Michigan Department of Corrections (“MDOC”) policies concerning the lack of conjugal visits and the receipt of prisoner mail (“prison policy claims”). On October 5, 2018, the Court dismissed the prison policy claims based upon misjoinder and dismissed the criminal case claims for failure to state a claim upon which relief may be granted and based upon absolute judicial immunity. ECF Nos. 21, 22. The matter is now before the Court on Plaintiff’s motion seeking to file an amended/new complaint and to reopen this case to proceed on his prison policy claims. Plaintiff dated his motion on May 30, 2022. ECF No. 23.

The Court, however, dismissed Plaintiff’s prison policy claims from this case on the basis of misjoinder and did not retain jurisdiction over them. The Court then dismissed his criminal case claims and closed the case. Consequently, if Plaintiff seeks to pursue his prison policy

claims, he must file a new civil rights complaint in a new case in compliance with the federal rules applicable to such actions. This case will not be reopened. Accordingly, the Court **DENIES** Plaintiff's motion.¹ This case remains closed.

IT IS SO ORDERED.

s/ Victoria A. Roberts
VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

Dated: June 22, 2022

¹The Court notes that Plaintiff's request is also not particularly timely given that the Court dismissed his Amended Complaint and closed this case over 3 ½ years ago.